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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,461	11/20/2001	Henry Cholod	VRO-005.01	8659

7590

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EXAMINER

RIVELL, JOHN A

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,461

Applicant(s)

CHOLOD, HENRY

Examiner

John Rivell

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/20/02 (appl).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

Claims 1-22 are pending.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, there lacks proper antecedent basis for the recitation "the base" of line 7 and "the cover" of line 13. for the purpose of the rejection below, these recitations are taken to mean and are read as the "housing". The remaining claims are included due to dependency.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10-21 are rejected under 35 U.S.C. §102 (b) as being anticipated by Holicer. The patent to Holicer discloses in figure 5 (see also the attached "exploded view thereof) and at column 6, lines 29-71 "a pressure relief valve comprising: a housing (shown generally at 1) having a passage (from conduit 16, through channel 53a, branch 53 to an outlet at 60) formed therein for connection (53a) with a fluid source (at 16) and a seal surface (seat 57) positioned about an opening (53a) in the passage, the housing including a discharge opening (60) for relieving pressurized fluid from the housing during operation of the relief valve; a valve member (54) positioned within the housing,

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the valve member being movable along an axis within the housing (at branch 53) to selectively engage the seal surface in a sealing relationship, the housing being sized and shaped to substantially restrict movement of the valve member (54) to a direction parallel to the axis; and a spring (58) coupled to the valve member and a portion of the housing, the spring (58) applying a spring force to the valve member (54) to bias the valve member (54) into contact with the seal surface (57), wherein the valve member (54) separates from the seal surface (57) upon application of a fluid pressure force on the valve member that is greater than the spring force thereby allowing pressurized fluid to pass through the discharge opening (60) in the housing” as claimed in claim 1.

Regarding claim 2, Holicer discloses that “the valve member has one or more through-holes (55) formed therein” as claimed.

Regarding claim 3, Holicer discloses that “the one or more through-holes are arranged on the valve member (54) to inhibit fluid flow through the through-holes when the valve member is sealing(ly) engaged with the seal surface” as claimed.

Regarding claim 4, Holicer discloses that “the seal surface (57) is generally annular in shape” as claimed.

Regarding claim 5, Holicer discloses that “the valve member (54) is disk-shaped having a generally circular bottom surface for engaging the seal surface” as claimed.

Regarding claim 6, Holicer discloses that “the holes (55) are arranged in a circular pattern (such as at the six o’clock and twelve o’clock position as illustrated) about the circumference of the bottom surface” as claimed.

Regarding claim 7, Holicer discloses that "the through-holes (55) are uniformly spaced about the valve member(54)" as claimed.

Regarding claim 8, Holicer discloses that "the through-holes (55) are commonly sized and shaped" as claimed.

Regarding claim 10, Holicer discloses that "the valve member (54) includes a spring recess (not numbered but clearly shown in the right side of the valve member 54) sized to receive at least an end of the spring" as claimed.

Regarding claim 11, Holicer discloses that "the spring recess (in the valve member) is centered on the axis of motion of the valve member (54)" as claimed.

Regarding claim 12, Holicer discloses that "the housing includes a second spring recess (within the retaining plug 59) sized to receive another end of the spring, the second spring recess being aligned with the spring recess in the valve member" as claimed.

Regarding claims 13-20, the limitations recited therein are merely repeated from the above claims and their anticipation by the reference is considered apparent.

Regarding claim 21, Holicer discloses that "the pattern of through-holes (55) is circular in shape, and a diameter of the pattern is greater than the width of the opening (53a) in the passage" as claimed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holicer in view of Wahli et al. (German document No. 1947093). The patent to Holicer discloses all the claimed features, as noted above, with the exception of having "an annular groove formed in the seal surface receiving an elastomeric seal ring" (claim 9) and "a base having a passage... a housing cover having a cylindrical cavity formed therein, the cover engaging the base and enclosing the seal surface within the cavity" (claim 22). The document to Wahli et al., in figure 2 specifically, discloses that it is known in the art to employ a "base" (2) having a passage (at 13) therein, which "base" includes an "annular groove" 7 receiving an "elastomeric ring" 8 forming the seal surface (for claim 9) for the valve head 5 to seat upon to sealingly close the valve, and a "housing cover" at 1 defining a cavity therein and "enclosing the seal surface within the cavity" (claim 22) for the purpose of fluid tightly sealing the head and seat contact surface and to form a cavity within an attached "cover which cavity receives and encloses the valve elements therein. The differences here between Holicer and Wahli et al. are considered to be full functional equivalents of each other and represent mere alternative arrangements of seals (on the head of Holicer versus the seat of Wahli et al.) and valve housing construction (valve enclosed by the "base" and closed off by a "cover" 59 in Holicer versus a "base" 2 and valve 5 enclosed by a "cover" 1 of Wahli et al.) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Holicer an annular groove receiving an elastomeric seal ring therein in the seat surface 57 and to employ a "housing cover" attached to the "base" and enclosing the valve elements within a cavity therein for the purpose of fluidly sealing the head and seat contact surfaces and to provide a housing for the valve as recognized by Wahli et al.

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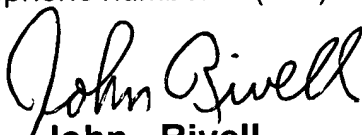
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (703) 308-2599. The examiner can normally be reached on Monday –Thursday between 6:30am and 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Buiz can be reached on (703) 308-0871. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7765 for regular communications and (703) 308-7765 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

j.r.  
March 12, 2003

  
**John Rivell**  
**Primary Examiner**  
**Art Unit 3753**